

REMARKS

The Official Action mailed January 30, 2004, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on November 22, 2000, and October 20, 2003.

Box 4 of the Office Action Summary indicates that claims 3, 4, 7, 8, 77-84, 88-93 and 97-122 were pending in the application; however, this does not acknowledge the withdrawn claims. The Applicants respectfully submit that claims 3, 4, 7, 8, 11, 12, 16, 17, 20, 21, 25, 26, 29, 30, 34, 35, 38, 39, 43, 44, 47, 48, 52, 53, 56, 57, 61, 62, 65, 66, 70, 71, 74, 75 and 77-122 were pending in the present application prior to the above amendment. By the present amendment, claims 101-107, 115, 117, 119 and 121 have been canceled, claims 3, 4, 7, 8, 77-81 and 97-100 have been amended to better recite the features of the present invention and claims 11, 12, 16, 17, 20, 21, 25, 26, 29, 30, 34, 35, 38, 39, 43, 44, 47, 48, 52, 53, 56, 57, 61, 62, 65, 66, 70, 71, 74, 75 and 82-96 have been amended to correct minor grammatical errors. Accordingly, claims 3, 4, 7, 8, 11, 12, 16, 17, 20, 21, 25, 26, 29, 30, 34, 35, 38, 39, 43, 44, 47, 48, 52, 53, 56, 57, 61, 62, 65, 66, 70, 71, 74, 75, 77-100, 108-114, 116, 118, 120 and 122 are now pending in the present application. Claims 11, 12, 16, 17, 20, 21, 25, 26, 29, 30, 34, 35, 38, 39, 43, 44, 47, 48, 52, 53, 56, 57, 61, 62, 65, 66, 70, 71, 74, 75, 85-87 and 94-96 have been withdrawn from consideration. Accordingly, claims 3, 4, 7, 8, 77-84, 88-93, 97-100, 108-114, 116, 118, 120 and 122 are currently elected, of which claims 3, 4, 7, 8, 77-79, and 97-100 are independent and generic. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action rejects claims 3, 4, 7, 8, 77-84, 88-90, 91-93 and 97-122 as obvious based on the combination of U.S. Patent No. 6,195,143 to

Ogawa and U.S. Patent No. 5,831,710 to Colgan et al. Paragraph 3 of the Official Action rejects claims 80 and 81 as obvious based on the combination of Ogawa, Colgan and U.S. Patent No. 5,982,471 to Hirakata et al. Paragraph 4 of the Official Action rejects claims 82-84 and 88-93 as obvious based on the combination of Ogawa, Colgan and U.S. Patent No. 5,739,882 to Shimizu et al. The Applicants respectfully submit that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present invention, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. The Applicants have amended independent claims 3, 4, 7, 8, 77-79 and 97-100 to recite that gap holding members are selectively formed over contact holes where a plurality of pixel electrodes are connected with wirings. The prior art does not teach or suggest the above-referenced features of

the present invention. The Official Action concedes that Ogawa does not teach gap holding members (page 3, Paper No. 20040106) and that Ogawa “[does] not disclose that the gap holding members are located over contact holes where the plurality of pixel electrodes are connected with wirings” (page 5, Id.). The Official Action asserts that the posts 24 of Colgan correspond with the gap holding members of the present invention (pages 3-4, Id.) and asserts that Colgan teaches that “the constant interval of the gap holding members (Fig. 2) and contact holes in each pixel location in the array (26) there is indicated the pixel electrode (22) for reach through contact to the display circuitry in the substrate (col. 4, lines 1-4) and Fig. 2” (page 5, Id.). However, the posts 24 of Colgan appear to be formed “at intersections in the pixel array 26” (column 4, lines 5-6). Unlike the present invention, Ogawa and Colgan do not teach or suggest that the posts 24 of Colgan are selectively formed over contact holes where the plurality of pixel electrodes are connected with wirings.

Hirakata does not cure the deficiencies in Ogawa and Colgan. The Official Action concedes that neither “Ogawa nor Colgan go in to the details of the TFT and active matrix panel itself” (page 6, Id.). The Official Action relies on Hirakata to allegedly teach spacers 402, one of which appears to be incidentally located over a contact hole (Figure 7). However, “spacers 402 were dispersed onto one of the TFT substrate 200 and the counter substrate 250 to maintain the cell gap” (column 11, lines 23-26). In other words, there is no selective formation or placement of spacers 402 onto the substrate 200. Therefore, even if proper motivation were identified to combine Ogawa, Colgan and Hirakata, the prior art, either alone or in combination, does not teach or suggest that gap holding members are selectively formed over contact holes where a plurality of pixel electrodes are connected with wirings.

Shimizu does not cure the deficiencies in Ogawa, Colgan and Hirakata. Shimizu is relied upon to allegedly teach spacers having a column shape that are made from UV curable epoxy resin (page 7, Paper No. 20040106). Ogawa, Colgan, Hirakata and Shimizu, either alone or in combination, do not teach or suggest that gap holding

members are selectively formed over contact holes where a plurality of pixel electrodes are connected with wirings.

Since Ogawa, Colgan, Hirakata and Shimizu do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



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